

Remarks

This is response to the non-final Office Action mailed on January 22, 2004. Claim 10 has been added and is fully supported by the specification. No new matter has been added. Claims 1-10 remain pending in the application. Reconsideration and allowance are respectfully requested in view of the following remarks.

I. Preliminary Note Regarding Listing of Reference on Notice of References Cited

One of the references cited in the Office Action, Shida, Japanese Ref. No. 5-170298, does not appear to be listed on any Notice of References Cited. Listing of this reference on a Notice of References Cited is respectfully requested so that the record will reflect consideration of this reference.

II. Interview Summary

Preliminarily, Applicants wish to thank the Examiner for the courtesy extended to Applicants' representative, Robert A. Kalinsky, during the interview on May 19, 2004. During the interview, claim 1 and proposed claim 10 were discussed, as well as the Totaro, Hyvönen, and Shida references. Agreement regarding allowance of the claims was not reached because the Examiner indicated that final approval was needed from his supervisor. The amendments and remarks contained herein are consistent with the substance of the interview.

III. Claim Rejections - 35 U.S.C. § 103

Turning now to section 2 of the Office Action, claims 1, 2, 4-7, and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Totaro, U.S. Patent No. 6,068,164, in view of Hyvönen et al., U.S. Patent No. 5,813,496, and Shida, Japanese Ref. No. 5-170298. This rejection is respectfully traversed.

Claim 1 is directed to a system for manual lubrication of an apparatus having a plurality of lubrication points.

As noted in the previous response, Hyvönen discloses an automated system for monitoring and controlling the circulation lubrication of the bearings of a paper machine. In Hyvönen, lubrication oil is automatically fed from an oil-lubrication center through a series of pipes to lubrication points and is fed back to the center through a system of return pipes.

Hyvönen distinguishes prior art manual lubrication systems as follows:

As known from the prior art, the oil quantities of each lubrication point are determined and set manually to be substantially invariable. It is an important disadvantage of such prior art systems that if a change in the operation values of the paper machine requires changes in the oil quantities at the lubrication points, these changes must be carried out by means of manual regulation separately from the flow meter panels of each lubrication point.

Hyvönen, col. 1, lines 38-45. Therefore, Hyvönen distinguishes its automated lubrication system from prior art manual lubrication systems and teaches away from such manual lubrication systems.

Hyvönen is combined with Totaro and Shida to reject claim 1. However, Totaro discloses a hand grease gun that is manually controlled. See Totaro, Figure 1. Shida discloses an automobile gasoline pump nozzle, which is also manually controlled by a user. See Shida, abstract. Therefore, it is respectfully suggested that one skilled in the art would not be motivated to combine Hyvönen with either Totaro or Shida because Hyvönen discloses an automated system and teaches away from manual systems, while both Totaro and Shida disclose manual systems.

In addition, Totaro describes a main advantage of its manual hand grease gun as the ability to use the device for an extended period of time without needing auxiliary equipment:

Accordingly, it is an object of the present invention to provide a hand grease gun device of the type known as a syringe grease gun wherein the pressure piston is not operated by a spring, rather by compressed air, which device may be used outdoors for an unlimited period of time (provided adequate grease supply is available) without needing any auxiliary equipment.

Totaro, col. 5, lines 18-24 (underlining added). In other words, Totaro discloses a manual, self-contained device and teaches away from devices that require "auxiliary equipment."

It is respectfully suggested that one skilled in the art would not be motivated to combine Totaro with either Hyvönen or Shida because Totaro teaches away from systems that require auxiliary equipment, while both Hyvönen and Shida require systems with auxiliary equipment. For example, Hyvönen discloses a system with a significant amount of piping and containment units. Shida discloses an automobile gasoline pump nozzle, which presumably requires at least a corresponding gasoline pump and large underground fuel container.

Further, Shida is directed to an automobile gasoline pump nozzle and fails to disclose or suggest a lubrication system. Therefore, it is respectfully suggested that one skilled in the art would not be motivated to combine the automobile gasoline pump nozzle disclosed by Shida with either of the lubrication systems disclosed by Totaro and Hyvönen.

For at least these reasons, reconsideration and allowance of claim 1, as well as claims 2, 4, and 5 that depend therefrom, are respectfully requested.

Claim 6 is directed to a device for manual lubrication of an apparatus having a plurality of lubrication points. Claim 6 is not identical in scope to claim 1, but is similar to claim 1 in that claim 6 is directed to manual lubrication. Therefore, for at least similar reasons to those noted above with respect to claim 1, claim 6, as well as claims 7 and 9 that depend therefrom, should be allowable. Reconsideration is respectfully requested.

In section 3, claim 3 was rejected was rejected under section 103(a) as being unpatentable over Totaro in view of Hyvönen and Shida and further in view of Elkin et al., U.S. Patent No. 6,123,174. In section 4, claim 8 was rejected under section 103(a) as being unpatentable over Totaro in view of Hyvönen and Shida and further in view of Pollock, U.S. Patent No. 5,923,572. These rejections are respectfully traversed, and the correctness of the rejections is not conceded.

However, claim 3 depends from claim 1, and claim 8 depends from claim 6. Neither Elkin nor Pollock remedy the shortcomings of the references noted above. Therefore, claims 3 and 8 should be allowable for at least the same reasons as claim 1 and 6, respectively. Reconsideration and allowance are requested.

In section 5, claims 1-9 were rejected under section 103(a) as being unpatentable over Elkin in view of Hyvönen and Pollock. This rejection is respectfully traversed.

As noted in the previous response, Elkin discloses a manual system for extracting fluid from and injecting fluid into a reservoir in a vehicle. Pollock discloses a manual device for controlling, authorizing, and accounting for gasoline delivered to an automobile. Therefore, for at least similar reasons to those provided above, one skilled in the art would not be motivated to combine the automated lubrication system disclosed by Hyvönen with either of the manual systems disclosed by Elkin and Pollock.

For at least these reasons, reconsideration and allowance of claims 1-9 are respectfully requested.

IV. New Claim 10

Claim 10 is directed at a lubricant gun for manual lubrication of an apparatus having a plurality of lubrication points. Claim 10 includes limitations not disclosed or suggested by any of the cited references. For example, claim 10 recites that the lubricant gun includes a measuring device, a control element, and a lubrication point identification device arranged in connection with a lubrication nozzle. Consideration and allowance of claim 10 are respectfully requested.

V. Conclusion

The remarks set forth above provide certain arguments in support of the patentability of the pending claims. There may be other reasons that the pending claims are patentably distinct over the cited references, and the right to raise any such other reasons or arguments in the future is expressly reserved.

Favorable reconsideration in the form of a Notice of Allowance is respectfully requested. The Examiner is encouraged to contact the undersigned attorney with any questions regarding this application.

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Date: May 24, 2004

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